



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Athena CHRISTODOULOU et al.

Title: ESTABLISHMENT OF
NETWORK CONNECTIONS

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Examiner: Nguyen, Thuong

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

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Commissioner for Patents
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Sir:

In accordance with the **Pre-Appeal Brief Conference Pilot Program**, announced July 11, 2005, this Pre-Appeal Brief Request is being filed. A Notice of Appeal is being filed concurrently herewith.

The rejection of claims 1-24 as being unpatentable over U.S. Patent Publication No. 2003/0023754 to Eichstadt in view U.S. Patent No. 6,772,208 to Dutta is presented for review.

The final Office Action (mailed May 16, 2006) correctly acknowledges that Eichstadt fails to teach the claim limitation of displaying, at the client, an alias for the address of the server on which a copy of a sub-page is hosted. However, the final Office Action incorrectly asserts that Figure 4 and column 6, line 59 to column 7, line 6 of Dutta teaches these features.

Before discussion Dutta in any detail, a brief description of the claimed invention is provided below. The present invention uses several differing links (i.e., links pointing to different servers) to serve a given, particular 'sub page' (i.e., a page

that is navigable via a link on a home page). This enables a balancing of loads on a network. To prevent client-side interference with this load-balancing, the 'alias' link is displayed at a client. The displaying of an alias link is explicitly recited in claim 1. The display of an alias means that the user will continue to allow himself or herself to continue to be subjected to the load balancing – which happens when the user activates the link on the home page, thereby causing him/her to be directed to a server determined by the owner of the website – rather than, for example, being able to bookmark the link to the specific server that was used in that instance, which, if he/she were to do so, would mean that he/she would be effectively 'overriding' the website owner's discretion as to which server he/she is diverted to for the purpose of serving the sub-page. See, for example, the features recited in dependent claim 2, in which a plurality of links are provided, each pointing to a different address, with each different address being an address of a different server on which a copy of the sub-page is hosted.

Turning now to the cited art of record, in Dutta, a content provider (i.e., the New York Times) gives a content distributor (i.e., Yahoo) an HTML file with the URL of a particular web page that Yahoo wishes to display (typically along with a host of other pages on the same topic from other content providers). This link is actuable by a user via a client machine when navigating Yahoo, to take the user directly to the page in question. At some point, the content provider changes the URL at which the page is located; the example given in Dutta is that it changes from www.producer.com/32983.html to www.producer.com/32985.html. This means that anyone referencing the page from the original link will be unable to view the page. However, because the content provider has an exclusive contract with Yahoo, the content provider will send the updated file containing the new URL of the page. The result is that the users on the Yahoo site can still link to the page even though it has moved, but users of other content distributor sites which are not contractually entitled to view the page but which have simply copied the link will no longer be able to do so – since it no longer points to the correct location on the page.

As such, the question on point is whether or not Dutta teaches the display of an

alias at a client, as recited in claim 1. In response, please note that Dutta does not teach or suggest the displaying of anything at the client. However, it is recognized that if the client is using a normal browser, then a URL will be displayed when the user clicks the link at the content distributor. As such, the displaying of an address is inherent in such a system. However, each address that would be displayed at a client in the system of Dutta would be an **authentic** address (and not an **alias** address), even though it is changed frequently to achieve the aims set out in the system of Dutta. Accordingly, an alias of an address would not be displayed at a client in the system of Dutta. Given that no discussion is made in Dutta of alias addresses, the most that can be said about Dutta is that there is an inherent disclosure of the display of an authentic, but frequently changing URL (address) at the client as they are activated from pages displayed at a content distributor's site.

As clearly set out above, Dutta fails to teach or suggest the displaying, at a client, of an alias for a predetermined address of a server on which a copy of a sub-page is hosted, as recited in claim 1.

Therefore, since Eichstadt does not rectify the above-mentioned deficiencies of Dutta (as recognized in the Office Action), independent claim 1 is patentable over the combination of Eichstadt and Dutta.

Independent claims 11, 21 and 22 recite similar features to those discussed above with respect to claim 1, and thus those claims are also patentable over the combination of Eichstadt and Dutta.

Still further, please note that there is no motivation to combine these two references (even though the combination is not pertinent to the claimed subject matter). In particular, Eichstadt is directed to enhancing the functionality of a web page. Dutta is directed to enabling the display of links, on content distribution sites such as Yahoo, to the sites of content authors such as the New York Times, while simultaneously restricting access to the content provider's – without requiring passwords – so that a content provider can pick and choose which content distributor(s) can display links to their content. In other words, Dutta provides a

degree of content protection for the content providers so that they can conclude contracts with content distributors, but which does not burden users who are navigating to a content provider site via a content distributor site with the need to enter usernames and passwords. As such, since the teachings of Eichstadt are very much different from the teachings of Dutta, and without any suggestion in either reference, there is no motivation to combine these disparate teachings.

The dependent claims are patentable for additional reasons based on the specific recitations in those claims, beyond the reasons given above for the independent claims.

For example, claim 2 recites that a plurality of links are provided, each being a different address of a server on which a copy of the sub-page is hosted. Page 6, paragraph 42 of Eichstadt (cited in the Office Action against claim 2), on the other hand, merely describes a browser interface which has a toolbar that enables a user to join a session using a username/password. This has nothing at all to do with the features recited in claim 2. Claim 12 recites similar features to those recited in claim 2, and thus claim 12 is also patentable over the teachings of Eichstadt.

Claim 4 recites that the alias corresponds to a first URL that is different from a second URL corresponding to the address of the server on which the copy of the sub-page is hosted. This is explained, for example, on page 6 of the specification, with a particular example. Figure 4 and column 7, lines 19-26 and 34-39 and 52 to column 8, line 6 of Dutta does not teach or suggest such features, since no description of an alias address is described at all in Dutta.

Claim 5 recites that a predetermined criteria is used to determine which of a plurality of links is to be actuated. Page 2, paragraph 27 of Eichstadt (cited in the Office Action against claim 5), on the other hand, merely describes special purpose software used on a server and a client, in which the activity of users viewing a web-page is monitored. This falls well short of the features recited in claim 5 in which a predetermined criteria is used to determine which of a plurality of links is to be actuated. Claim 14 recites similar features to those recited in claim 5, and thus claim

14 is also patentable over the teachings of Eichstadt and Dutta.

Claim 9 recites that each of the links is actuated simultaneously, and that one of the links is selected based on a predetermined criterion (e.g., such as the first link that provides data back to the client, such as recited in claim 10). Page 5, paragraph 35 of Eichstadt (cited in the Office Action against claim 5), on the other hand, merely describes that a server retrieves a web-page and downloads that web-page to a client computer, and when the user select a hypertext link, the server receives that request and communicates a modified web-page to the client computer. This has nothing at all to do with the features recited in claim 9 (and claim 10, which depends from claim 9). Claim 19 recites similar features to those recited in claim 9, and thus claim 19 is also patentable over the teachings of Eichstadt.

With respect to claim 23, which recites a display of links based on a random selection, page 6, paragraph 42 of Eichstadt merely describes a browser interface of which a plurality of browser toolbars and an address window are provided. There is nothing concerning a display of links based on a random selection in this portion of Eichstadt.

Respectfully submitted,

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